

| DIST/OFFICE |        | DOCKET |     | FILING DATE |    |   | J   | N/S | O | R | R | 23 | S | DEMAND                          | OTHER | JUDGE                   | JURY | DOCKET |          |
|-------------|--------|--------|-----|-------------|----|---|-----|-----|---|---|---|----|---|---------------------------------|-------|-------------------------|------|--------|----------|
| YR.         | NUMBER | MO.    | DAY | YEAR        |    |   |     |     |   |   |   |    |   |                                 |       | NUMBER                  | DEM. | YR.    | NUMBER   |
| 1085/4      | 75     | 0318   | 07  | 18          | 75 | 3 | 430 | 1   |   |   |   |    |   | Decl Judg<br>Injunc Re-<br>lief |       | 8509<br><del>8510</del> |      | 75     | 0318-0/B |

PLAINTIFFS

STATE OF OKLAHOMA, ex rel.  
STATE BANKING BOARD and HARRY  
LEONARD, State Bank Commissioner  
and Chairman, State Banking Board

THE INDEPENDENT BANKER'S  
ASSOCIATION OF OKLAHOMA  
Intervening Plaintiff

DEFENDANTS

UTICA NATIONAL BANK,  
TULSA, OKLAHOMA  
James E. Smith, Comptroller of  
the Currency of the United States

(Cons. W/75-C-  
319)

CAUSE

12 USC Sect. 36, 5 USC Sects. 701 - 706.  
Violation of branch banking laws and termination by way of declaratory judgment  
and injunction as to interpretative ruling by comptroller of U.S. currency.

ATTORNEYS

Larry Derryberry  
Attorney General of Oklahoma  
Donald B. Nevard  
Assistant Attorney General  
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Edward Jiran  
Office of Comptroller of Currency  
Washington, D. C. 20219

| <input type="checkbox"/> CHECK<br>HERE<br>IF CASE WAS<br>FILED IN<br>FORMA<br>PAUPERIS | FILING FEES PAID |                |             | STATISTICAL CARDS |             |
|--|------------------|----------------|-------------|-------------------|-------------|
|  | DATE             | RECEIPT NUMBER | C.D. NUMBER | CARD              | DATE MAILED |
|  |                  |                |             | JS-5              | 8-1-75      |
|  |                  |                |             | JS-6              | 1-1-76      |

| DATE    | NR. | PROCEEDINGS  |
|---------|-----|--|
| 7-18-75 | 1.  | Complaint filed and summons issued. v  |
| 7-18-75 | MO: | Informal hearing held in chambers. Pltf. rep. by Donald Nevard & Todd Markum; deft. rep. by Bill Anderson & Dick Saunders. Informal prel. hearing set 8-4-75 at 10:00 a.m. Parties to confer about possible consolidation w/companion case, 75-C-319. Hearing on merits set 10-1-75 at 10:00 a.m. PT to be set if necessary prior to hearing on 10-1-75. (HDC-J)hm   |
| 7-25-75 | 2   | Mot. of pltf. for consolidation of actions, 75-C-318 & 75-C-319, filed. g  |
| 7-25-75 | 3   | Brief of pltf. in support of mot. to consolidate, filed. g   |
| 7-25-75 | MO  | Deft. granted 10 days to file responsive brief to mot. to consolidate. (HDC-J)g  |
| 7-31-75 | 4   | Motion of pltf. for order to show cause, for temporary restraining order and for preliminary injunction. g   |
| 7-31-75 | 5   | Memorandum of points and authorities in support of pltf's mots. for temporary restraining order and preliminary injunction, filed. g   |
| 8-1-75  | 6.  | Brief of Utica Natl. Bank & Tr. Co., in response to mo/consolidation of actions, filed. hm   |
| 8-1-75  | 7.  | Memorandum brief of deft. in opposition to pltf's mo/order to show ' cause, for TRO & for prel. inj., filed. hm  |
| 8-1-75  | 8.  | Affidavit of O. C. Laskey, filed. rm   |
| 8-1-75  | 9.  | Affidavit of Thomas J. Maloney, filed. rm  |
| 8-4-75  | 10. | Motion to intervene of Indep. Banker's Assn. of Okla., filed. hm   |
| 8-4-75  | 11. | Brief in support of mo/intervene of The Independent Banker's Assn. of Okla., filed. hm   |
| 8-4-75  | MO: | Case called for hearing. Parties represented. Deft. makes oral motion to add Comptroller of Currency as party deft., and there being no obj. offered by pltf., provided Comptroller keeps with briefing schedule, Court orders that deft's motion is sustained, and Comptroller, James E. Smith is added as party deft. Appropriate pleadings to be filed. Mr. Edward Jiran, atty. for Comptroller, admitted for purposes of this case. There being no objection given by pltf. & defts. as to intervention of Indep. Banking Assn. of Okla. as party pltf., provided time tables are adhered to, Court sustains motion, and Independent Banking Association of Oklahoma is made a party pltf. Court states he will <del>xx</del> confer w/Judge Barrow re mo/consolidation and order to be entered. Motion for order to show cause & mo/prel. injunction held in abeyance pending ruling on consolidation. Copies of opinions in Supreme Court of Nebraska & USDC for Dist. of Columbia provided the Court. Pltf. moves to interlineate by amendment the name of deft. to "Utica National Bank & Trust Company"; it is so ordered. Deft. to file answer in both cases by 8-7-75. Discovery to be complete & closed by 9-1-75. All briefs to be filed no later than 9-15-75. Case heretofore set for trial 10-1-75. (EST-2 days). PT hearing set 9-26-75 at 10:00 a.m. PT conference memorandum to be filed by 9-26-75. Deft. Utica given until 8-7-75 to file addit. brief in response to mo/TRO. Comptroller given until 8-11-75 to file brief in opposition to mo/TRO. Pltf. given until 8-12-75 to file responsive briefs to defts' briefs & at that time, mo/TRO will be submitted to Court for decision. (HDC-J)hm |
| 8-4-75  | 12. | Intervenor's (Indep. Banker's Assn. of Okla.) complaint for declaratory judgment and injunctive relief, filed. hm  |
| 8-4-75  | 13. | Brief of Bank of Oklahoma, N.A., deft. in case No. 75-C-319, in response to motion by pltf. for consolidation of actions, filed. lm  |

(Contd.)

| PLAINTIFF      |     | DEFENDANT   | DOCKET NO. <u>75-C-318</u> |
|----------------|-----|---|----------------------------|
| State of Okla. |     | Utica National Bank & Trust   | PAGE ____ OF ____ PAGES    |
| DATE           | NR. | PROCEEDINGS   |                            |
| 8-5-75         | 14. | Motion of def. to add Comptroller of Currency of U.S. as party def., w/brief in support thereof, filed. rm  |                            |
| 8-6-75         | 15. | Order, filed, making James E. Smith, the Comptroller of the Currency of the United States a party defendant. (HDC-J)g cpies mailed.   |                            |
| 8-7-75         | 16. | Supplement to Memorandum Breif of Defendant in Opposition to Plain-tiff's Motion for Order to Show Cause, for Temporary restraining order, and for preliminary injunction, filed. mm  |                            |
| 8-7-75         | 17. | Defendant Utica National Bank & Trust Co's Answer to Plaintiff's Complaint and intervening Plaintiff's Complaint, filed. mm   |                            |
| 8-8-75         | 18. | Supplemental Brief of Utica National Bank & Trust Co., Deft. in Case No. 75-C-318, in Response to Motion by Plaintiff for Consolidation of Actions, filed. mm   |                            |
| 8-11-75        | 19. | Deft. Controller's opposition to pltf's motion for a TRO, filed. lm   |                            |
| 8-11-75        | 20. | Memo supporting the deft comptroller's opposition to pltf's motion for a TRO, filed. lm   |                            |
| 8-12-75        | 21. | Plaintiff, State of Oklahoma, ex rel., State Banking Board and Harry Leonard, State Bank Commissioner & CHairman, State Banking Board, Supplemental Memorandum of Points and Authorities in Support of Plaintiff's Motion for Order to Show Cause, for Temporary Restraining Order, and for Preliminary Injunction, filed. mm |                            |
| 8-14-75        | 22  | Order, filed, making The Independent Bankers Association of Oklahoma intervening plaintiff. (HDC-J)g cpies mld.   |                            |
| 8-15-75        | MO: | Ordered by the Court that this case is transferred to Chief Judge Allen E. Barrow. (HDC-J)rm - ltr.   |                            |
|                |     | 75-C-<br>1000 w/319   |                            |
| 12-23-75       | 23  | Judgment, filed & entered, that declaratory & injunctive relief sought by Pltf. should be & is hereby is denied; & that these consolidated actions are dismissed on the merits with prejudice, each party to bear its own costs. (AEB-J)b copies mld  |                            |

DC-111A (Rev. 1/75)

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| PLAINTIFF | DEFENDANT | DOCKET NO. _____<br>PAGE ____ OF ____ PAGES |
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## PROCEEDINGS